

LABOR SERVICES DIVISION[875]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 88.5, the Labor Commissioner hereby gives Notice of Intended Action to amend Chapter 4, “Recording and Reporting Occupational Injuries and Illnesses,” Iowa Administrative Code.

The proposed amendment adopts by reference changes to federal occupational safety and health regulations governing record keeping and reporting. The changes become effective over a two-year period. Employers are already required to keep data about workplace illnesses and injuries, and the federal changes require that some employers annually submit that same data electronically. The federal changes also amend two existing regulations in order to encourage more employees to report illnesses and injuries to employers.

The principal reasons for adoption of this amendment are to implement legislative intent, protect the safety and health of Iowa workers, make data about workplace illnesses and injuries more available, and make Iowa’s regulations consistent with federal regulations. Pursuant to 29 CFR 1902.7 and 1904.37, Iowa must adopt changes to the federal occupational safety and health record-keeping and reporting regulations.

If requested in accordance with Iowa Code section 17A.4(1)“b” by the close of business on August 1, 2016, a public hearing will be held on August 2, 2016, at 2 p.m. in the Capitol View Room at 1000 East Grand Avenue, Des Moines, Iowa. Interested persons will be given the opportunity to make oral statements and file documents concerning the proposed amendment. The facility for the oral presentations is accessible to and functional for persons with physical disabilities. Persons who have special requirements should call (515)281-5915 in advance to arrange access or other needed services.

Written data, views, or arguments to be considered in adoption shall be submitted no later than August 2, 2016, to Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to kathleen.uehling@iwd.iowa.gov.

No variance procedures are included in this rule. Variance procedures are set forth in 875—Chapter 5.

After analysis and review of this rule making, it has been determined that jobs could be impacted. However, this amendment is implementing federally mandated regulations, and the State of Iowa is only implementing the federal regulations. The requirements imposed on Iowa businesses by these regulations do not exceed those imposed by federal law.

This amendment is intended to implement Iowa Code chapter 88 and 29 CFR 1904.37 and 1902.7. The following amendment is proposed.

Amend rule 875—4.3(88) as follows:

875—4.3(88) Recording and reporting regulations. Except as noted in this rule, the Federal Occupational Safety and Health Administration regulations at 29 CFR 1904.0 through 1904.46 as published at 66 Fed. Reg. 6122 to 6135 (January 19, 2001) are adopted.

4.3(1) The following amendments to 29 CFR 1904.0 through 1904.46 are adopted:

- a. 66 Fed. Reg. 52031-52034 (October 12, 2001)
- b. 67 Fed. Reg. 44047 (July 1, 2002)
- c. 67 Fed. Reg. 77170 (December 17, 2002)
- d. 68 Fed. Reg. 38606 (June 30, 2003)

e. 79 Fed. Reg. 56186 (September 18, 2014)

f. 81 Fed. Reg. 29691 (May 12, 2016)

g. 81 Fed. Reg. 31854 (May 20, 2016)

4.3(2) In addition to the reporting methods set forth in 29 CFR 1904.39(a), employers may make reports required by 29 CFR 1904.39 using at least one of the following methods:

a. Completing the incident report form available at www.iowaosha.gov and faxing the completed form to (515)242-5076 or sending the completed form to osha@iwd.iowa.gov;

b. Calling (877)242-6742; or

c. Visiting 1000 E. Grand Avenue, Des Moines, Iowa.